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SEP 13 2007

**OFFICE OF PETITIONS**

In re Application of :  
Landvater :  
Application No. 09/899,593 : ON PETITION  
Filed: July 5, 2001 :  
Attorney Docket No. B06521-00007 :  
:

This is a decision on the petition, filed February 26, 2007, to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704. No additional petition fee is required.

It appears that petitioner intended to file a petition under 37 CFR 1.137(b), not 37 CFR 1.137(f), given the fact that the application is abandoned for failure to properly respond to the final Office action of August 2, 2006.

Petitioner is requested to clarify what type of petition is intended to be filed. Please keep in mind that the statement of delay in a 137(f) petition is not the same as the required statement of delay in a 137(b) petition. If petitioner desires to file a 137(b) petition, petitioner should specify the RCE filed February 26, 2007 as his reply and request that the \$1,500.00 petition fee paid with the 137(f) petition be applied toward the 137(b) petition.

Further correspondence with respect to this matter should be addressed as follows:

**By mail:** Mail Stop PETITION  
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Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3230.



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